



United States
Department of
Agriculture

Agricultural
Marketing
Service

Stop 0253 Room 2610 South
1400 Independence Avenue, SW
Washington, DC 20250-0253

ANNOUNCEMENT LS-117

August 2004

**PURCHASE OF FROZEN, BREADED, CATFISH PRODUCTS
FOR DISTRIBUTION TO CHILD NUTRITION AND
OTHER FEDERAL FOOD AND NUTRITION PROGRAMS**

I. GENERAL

A. The United States Department of Agriculture (USDA) will periodically issue Invitations under this Announcement for offers to sell to USDA frozen, breaded, par-fried, freshwater catfish products produced in accordance with the Item Description and Checklist of Requirements for Frozen, Breaded, Par-Fried, Freshwater Catfish Strips-Code, dated July 2004, (IDCR).

The catfish products will be purchased on a competitive bid basis from suppliers who have met the requirements described in Section I.D.5. Interested suppliers may submit samples and technical proposals at any time during this purchase program. Suppliers should allow 10 working days from receipt by USDA for notification of results of the evaluation of the breaded catfish product samples and technical proposal(s). Following notification of acceptance of the catfish sample(s) and technical proposal(s), a supplier will be contacted for a pre-award supplier assessment audit as outlined in Section I.D.5. A supplier is deemed eligible to bid after notification by the Contracting Officer.

Submission of samples and technical proposal(s) is not binding on USDA. Actual purchases will be on a competitive bid basis as described in this Announcement and separately issued Invitations. The Invitations will specify the product type(s), offer date, the closing time for receipt of bids, the shipping period, destinations with any transportation restrictions, and any other provisions applicable to the proposed procurement, which are in addition to or different from those set forth herein (see Exhibit A for an example of an Invitation). Bids solicited under this Announcement and applicable Invitations are for delivery of products to USDA on an f.o.b. destination or f.a.s. vessel basis only.

Additional bid and contract provisions are included in the Annual Certifications, Representations, and Warranties (Appendix 1) and the General Terms and Conditions for the Procurement of Agricultural Commodities or Services, Revision 2, dated November 1984, and Amendments 1, 2, 3, and 4 dated October 1990, November 1990, August 1989, and March 1990, respectively, hereinafter referred to as USDA-1.

B. Offerors are cautioned to carefully read this Announcement, Appendix-1, USDA-1, Invitations, IDCR, applicable Audit, Review, and Compliance (ARC) Branch Procedures. Failure to do so will be at the Offeror's risk. These documents are incorporated into the contract (see Section IV of this Announcement). Offerors are cautioned that statements made by persons other than the Contracting Officer are not binding on the Government unless confirmed in writing by the Contracting Officer.

C. Offer Prices and Evidence of Delivery

Offer prices must be quoted and delivery of product must be on the basis of f.o.b. mechanically refrigerated cars or trucks at destination or f.a.s. vessel as specified in the applicable Invitation. **Certain destinations require delivery by TRUCK ONLY or RAIL ONLY and will be so identified in the Invitation. All products whether shipped by truck, rail, or piggyback must be palletized and stretchwrapped in accordance with instructions contained in the IDCR and the contractor's approved technical proposal, unless the Invitation and subsequent contract specifies "NO PALLETS." Contractors may arrange for a pallet exchange with consignee, however, USDA is in no way responsible for such arrangements.** Destinations not participating in a pallet exchange program will be noted on Invitations. Offers submitted on a basis other than f.o.b. destination or f.a.s. vessel will be rejected as nonresponsive.

When notified of shipments, consignees may request upgrading of delivery services; for example, delivery within the consignee's premises or to a specific room within a building. Such delivery terms are beyond USDA contractual requirements. Any negotiations to upgrade services are between contractor and consignee and any additional charges for special delivery terms are between the consignee and the contractor. Any charges invoiced to USDA for additional delivery services will be denied.

When making deliveries to more than one destination from the same railcar, the quantities required at each stopoff must be placed in separate compartments under seal. Each railcar compartment must be stacked in a manner that will preclude containers shifting while in transit.

Contracts will be awarded on an f.o.b. destination or f.a.s. vessel basis with quality assurance determined by USDA through pre-award and post award audits as described in Section 1.D.5. In addition, product must be produced under inspection by the Department of Commerce (DOC) inspection regulations. If transportation is provided by common carrier, the contractor must furnish, in support of the contractor's invoice, a copy of the signed commercial bill of lading indicating the carrier's receipt of the product covered by the invoice for transportation to the destination specified in the contract. If transportation is provided by other than common carrier, the Contractor must attach to the contractor's invoice a receipted copy of the appropriate delivery document showing receipt at the destination specified in the contract.

D. Responsibility of Offeror

1. Annual Certifications, Representations, and Warranties

An Offeror intending to submit bids must complete Annual Certifications, Representations, and Warranties in Appendix-1 and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to the submission of its initial bid. The Appendix must be signed by an officer of the company. If there are any changes or revisions to the annual Appendix 1, Offeror must submit an updated Appendix to the Contracting Officer or submit corrections or revisions prior to bid submission.

2. Standard Form 129--Solicitation Mailing List Application

An Offeror intending to submit bids must also complete a Solicitation Mailing List Application (SF-129) and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to the submission of its initial bid.

All items (except Item 18) of the SF-129 must be completed. (see Exhibit B). Offeror must also include the following information for Items 4, 8, 10, 14, 16B, 19, and 20:

- Items 4 and 8: Employee's Identification Number and DOC's establishment number.
- Item 8: Identify all affiliates of offeror (applicant as shown in 4) by providing full name, main office address, and employer's identification number and company tax identification number (TIN) of the affiliates. An "affiliate" is defined on the back of the SF-129.
- Item 10: The products purchased by USDA, which the Offeror is interested in supplying, weekly volume of production, capacity, and percent of capacity available for USDA contracts. Attach separate list if additional space is needed.
- Item 14: Company's TIN.
- Item 16B: Identify the freezer or warehouse to be used and its storage capacity.
- Items 19 and 20: Must be an officer of the company.

Offeror must certify with each bid to the accuracy of the current SF-129 and Appendix-1 on file with the Contracting Officer.

3. Responsibility

A firm submitting an offer under this Announcement must meet the Federal standards for responsibility contained in Title 48 C.F.R. Subpart 9.1, USDA-1, this Announcement, and Invitations. A determination of the responsibility contained in Title 48.C.F.R. Subpart 9.1 must be made prior a firm submitting a technical proposal and sample evaluation. Facilities to be used in fulfilling USDA contracts must be operating in accordance with regulations (50 C.F.R., Part 260).

Contractor must be registered under the Central Contractor Registry (CCR) System as prescribed in Title 48 C.F.R., Subpart 4.1104 and will certify in Appendix-1 on file with the Contracting Officer.

Offeror must ensure that all products offered for USDA purchases are in compliance with applicable contract and specification requirements. Offeror shall authorize the Contracting Officer's Technical Representative (COTR) unrestricted access to all records that pertain to USDA contracts.

4. Food Security Requirements

Contractor must have a written food security plan that provides for the security of a plants' production process. The plan shall address the following areas: 1) food security plan management, 2) outside and inside security of the facility, 3) slaughter and processing, 4) shipping and receiving, 5) storage, 6) water and ice supply, 7) mail handling, and 8) personnel security. The plan will be subject to periodic review by the AMS, ARC Branch. See FSIS Security Guidelines for Food Processors at the following web address:
<http://www.fsis.usda.gov/OA/topics/SecurityGuide.pdf>

5. Documentation and Assessment Requirements

To become an eligible supplier, the following must be sent to the Contracting Officer at Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0253, Room 2610-South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-0253, for evaluation and approval prior to bidding:

a. Technical Proposal:

- 1) Include a detailed description of each item planned to be offered and each of the production steps taken to meet or exceed the minimum product requirements set forth in the applicable IDCR. (Plan/Do)
- 2) Describe all the quality assurance methods used to verify conformance to all requirements. This will include the monitoring and measurements taken during the process to verify conformance with each requirement. All measurement results shall be recorded and made available to AMS. (Check)
- 3) Identify all corrective actions to be taken if deviations from contractual and specification requirements occur during production, and all preventative actions to be taken to preclude a reoccurrence. (Act)
- 4) The technical proposal shall follow the format as described in Section II. E., Technical Proposal format. Offeror's proposal should be brief and concise.
- 5) The proposal shall be preceded by the following, as required by the template:
 - a) Table of contents listing the major areas as they appear in the technical proposal template; and
 - b) List of attachments, forms provided with the proposal, if appropriate.
- 6) The technical proposal should be written in the following format:
 - a) Plan and Do - A description of the planning and production steps taken to meet each requirement.
 - b) Check - Describes all the quality assurance methods that will be used to verify conformance to each requirement. This will include the monitoring and measurement taken during the process (all measurements results shall be recorded and made available to AMS upon request).
 - c) Act - Identifies all corrective actions to be taken if deviations from contractual and specification occur during production and all preventative actions taken to preclude reoccurrences.

b. Product Sample:

- 1) A ten-pound sample of the frozen, breaded par-fried catfish strips with the ingredients statement and Nutrition Facts Panel that conforms to the IDCR (Attachment I). (All samples must arrive in the frozen state--zero degrees or less).

The COTR will review each technical proposal to determine if the proposal and samples are adequate. The Contracting Officer will notify the supplier of the status of their sample(s) and technical proposal.

Once a supplier is notified by the Contracting Officer that samples and technical proposal meet the applicable criteria, the ARC Branch will contact the supplier to set up a supplier pre-award onsite capability assessment.

c. Assessment by the ARC Branch

After the sample(s) and the technical proposal(s) are evaluated and approved, an ARC Branch auditor will perform an onsite assessment of the facilities, processes, and quality control program used to produce the product(s) to determine the supplier's ability to meet contractual requirements. The following assessments will apply:

- 1) Pre-Award Onsite Capability Assessment:

The pre-award onsite assessment (audit) will include, but is not limited to, a thorough evaluation of the potential Contractors' and Subcontractors' facilities, processes, quality control program, equipment, procedures, and the appropriate documents and forms used during the production of the catfish products. Documentation must support the production of a product that complies with the IDCR. In addition, the audit will consist of the review of records related to purchasing, receiving, production, quality control, inventory and shipping, and interviews with management and production personnel.

Upon completion of the onsite capability assessment, the auditor will provide a report to the Contracting Officer for final review. After the sample has met the evaluation criteria and the supplier has satisfactorily completed the pre-award onsite capability assessment, the supplier will receive written notification from the Contracting Officer of their eligibility to bid.

If the report states that the process is inadequate, the applicant will be notified by the Contracting Officer that they are ineligible to bid. The applicant will have the opportunity to modify their process and/or technical proposal and resubmit for further consideration. Eligibility will be dependent upon whether modifications demonstrate that the process is capable of delivering catfish products in compliance with the IDCR and the applicable assessment to USDA, and other applicable contractual requirements.

- 2) Post-Award Assessment

Eligible suppliers who receive contracts must have their technical proposals and supporting documentation readily available for review by AMS agents. Records

may be maintained on hard copy or electronic media. However, records maintained as electronic media will be made available in printed form immediately upon request by AMS or its agents.

The ARC Branch will conduct an onsite audit of the contractor's and subcontractor's facilities and processes when production commences for the first contract awarded. Additional audits will be conducted as determined by the Contracting Officer, but not less than one per month for contractors with continuous contracts, or once per contract for intermittent contractors. More frequent audits will be conducted when audit deficiencies are detected.

3) Post-Award Actions

Any deviation from contractual requirements will be immediately reported by the contractor to the Contracting Officer. The Contracting Officer will notify the contractor regarding eligibility to continue to participate as a contractor.

Contractor will assure that the delivered product complies with the provisions of the Item Description and Checklist of Requirements and the Contractor's Technical Proposal approved by the Contracting Officer.

6. Responsibility of Subcontractors/Suppliers

Contractor shall include the responsibility terms in paragraph D.3. of this section in every subcontract for supplies or services used by the contractor in fulfilling USDA contracts, either directly or indirectly, and obtain certification of responsibility as described in Appendix-1 to Announcement LS-117 from any subcontractors and suppliers.

Contractors shall include, and subcontractors must comply with, the domestic products clause in paragraph I.F. of this section in all subcontracts for fish or fish products used in fulfilling any contracts under this Announcement. All shipping containers must be labeled as "Domestic Only Product" on the principle display panel.

Subcontractors or suppliers of catfish products are (1) ineligible to supply product if they do not have a domestic product program approved by the Contracting Officer, or if they are currently delivering late on USDA contracts or USDA-approved subcontracts and late delivery is not due to causes beyond their control; and (2) shall be deemed nonresponsible if they are not operating in accordance with the applicable (DOC), National Marine Fishery Service (NMFS) inspection program or have been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4.

7. Past Performance

The Offeror must certify to timely performance on current contracts and subcontracts in **Item 4** of the Certification Section under the Domestic Electronic Entry System (DEBES) offer (Exhibit C). A determination that any past or current late performance was beyond the control or negligence of the contractor or the Contractor's Subcontractor **must be made by the Contracting Officer prior to bid**

opening. An Offeror will be deemed nonresponsible if the Offeror or any of its affiliates or subcontractors are delivering late on other contracts or subcontracts with USDA and the late delivery is not due to causes beyond the contractor's or the contractor's subcontractor's control. This provision, as it pertains to small business, is a deviation from 48 C.F.R. Subpart 19.6.

A false certification may result in rejection of the offer, suspension, and debarment by USDA, termination of the contract, liability for damages under the provisions of USDA-1, or criminal prosecution.

Offerors are cautioned NOT to BID on product quantities exceeding a level that the Offeror can reasonably expect to deliver in accordance with the contract schedule. On-time delivery is imperative because the products are used in school lunch and other USDA Federal food and nutrition programs. Late deliveries cause serious and substantial damage to USDA and to recipient agencies, some of which cannot be compensated for by liquidated damages.

Contractor shipping late on contract(s) must immediately notify the Contracting Officer of late shipments. If the contractor intends to request an extension due to causes beyond the control or negligence of the contractor, such notice must be made to the Contracting Officer three business days in advance of a bid opening in which the contractor wants to bid. Notification and request for extension must include (1) documentary evidence of causes beyond contractor's control for each day requested, (2) a production report of completed and/or expected production, including pounds and dates, and (3) actual delivery dates by Notice-to-Deliver (N/D) numbers (see Article 68 of USDA-1).

E. Buy American Certification

End products furnished must be of domestic origin as defined in section I.F. below. This provision is a deviation from 48 C.F.R. part 25 and for the purposes of this Announcement supersedes Article 49 of USDA-1. Other minor ingredients, e.g., seasonings, must comply with Article 49 of USDA-1.

F. Domestic Products

All catfish products to be used in fulfilling contracts awarded under Announcement LS-117 must be produced in the United States. United States produced (hereafter referred to a U.S.- produced) catfish means manufactured from catfish raised in the United States, its territories, possessions, Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as the United States). United States produced does not include imported catfish. If any catfish product originating from sources other than the United States are processed or handled, the contractor will develop and maintain an identification and record system for these products to ensure they are segregated and not used to fulfill contracts awarded under this Announcement. The contractor will maintain records including, but not limited to, letters of conformance, invoices, production and inventory records evidencing product origin, and will make such records available for review by the Government in accordance with Article 76 of USDA-1.

Contractor agrees to include this domestic origin certification clause in its entirety in all subcontracts for catfish or catfish products used in fulfilling any contracts awarded under this Announcement and obtain certification from each catfish subcontractor that (1) the subcontractor has been approved by the Contracting Officer for compliance with domestic origin; (2) the subcontractor will deliver only catfish originating from U.S.- produced catfish as

defined herein; and (3) catfish produced under their domestic origin plan will be shipped in containers as “ Domestic Only Produced” on the principle display panel.

Prior to performance on USDA contracts or subcontracts, contractors and catfish subcontractors must obtain approval of its domestic product program.

G. Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity

1. If the Government receives information that a contractor or a person acting for the contractor has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) (the Act), as amended by section 4304 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106), the Government may:
 - (a) Cancel the solicitation, if the contract has not yet been awarded or issued; or
 - (b) Rescind the contract with respect to which:
 - 1) The contractor or someone acting for the contractor has been convicted for an offense where the conduct constitutes a violation of subsection 27(a) or (b) of the Act for the purpose of either (a) exchanging the information covered by such subsections for anything of value; or (b) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract; or
 - 2) The head of the contracting activity has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under subsection 27(e)(1) of the Act.
2. If the Government rescinds the contract under paragraph 1 of this clause, the Government is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.
3. The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law, regulation, or under this contract.

H. Service of Protest

1. Protests, as defined in 48 C.F.R. part 33.101, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be deemed served on the Contracting Officer by obtaining written and dated acknowledgment of receipt from the Contracting Officer designated in Section II. A.
2. A copy of any protest must be received by the Contracting Officer at the FAX or mailing address listed in Section II. A. within 1 business day of filing a protest with the GAO.

II. SUBMISSION OF OFFERS

A. Where and How To Submit Offers

1. Electronic Submission of Offers

All Offers must be submitted electronically by accessing DEBES. Browser Requirements for DEBES for electronic bidding are described in Attachment II. An offeror must request and receive a DEBES Logon ID in order to access the website (see Attachment III for the form to request a logon ID). Only suppliers deemed responsible by the Contracting Officer will receive a DEBES Logon ID.

Access the DEBES website at: <https://pcsd.usda.gov:3077/mdbc1000.exe?>

Once connected to DEBES, follow the online procedures. Click on the “Help button” for detailed instructions on using the system or call (202) 720-2650 for assistance.

AMS will not be responsible for any failure attributed to the transmission of the bid data prior to being accepted and stored on our web server including, but not limited, to the following:

- (a) Any failure of the offeror’s computer hardware or software,
- (b) Availability of your Internet service provider,
- (c) Delay in transmission due to the speed of your modem, or
- (d) Delay in transmission due to excessive volume of Internet traffic.

If an offeror’s Internet Service Provider (ISP) is not available, an offeror may submit a bid via facsimile (FAX). If an offeror plans to submit a bid via FAX, offeror **MUST** contact the Contracting Officer for approval prior to faxing offers.

Note: Exhibit C and D provides an example of how offers may be submitted by fax:

- (e) Facilities for receiving offers by FAX are as follows:

FAX (202) 720-0949 (24 Hours)

- (f) Verification: **USDA-AMS-LS-CP-Branch**

(202) 720-2650 (6:30 a.m. - 4:00 p.m., Central Time, Monday - Friday)

Faxed offers, modifications, or withdrawals of offers must be addressed as follows:

Contracting Officer
Livestock and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0253, Room 2610-South Building
1400 Independence Avenue, SW
Washington, D.C. 20250

B. Where and When to Submit Offers

Offers, modifications, or withdrawals of offers must be submitted to the Contracting Officer, Livestock and Seed Program, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, Washington, D.C. 20250.

Offers, modifications, or withdrawals of offers under this Announcement must be received in the **DEBES Lockbox or, if authorized by the Contracting Officer, faxed to the NTS's Communications Center not later than 1:30 p.m., Central Time**, on the date specified in the Invitation. A planned purchase schedule for frozen catfish products is included as Exhibit E. USDA may change this schedule or cease purchases depending on market conditions or funding considerations. Invitations will be issued by facsimile as needed and be available electronically through the USDA, AMS Commodity Procurement Home Page and posted on the DEBES Internet site. If the planned bid date falls on a nonworkday for USDA employees in the District of Columbia, offers, modifications, or withdrawals must be received by 1:30 p.m., Central Time on the next succeeding business day. Whether an offer, modification, or withdrawal is received within the time limitation will be determined by the last submission time recorded in DEBES or electronically captured at the AMS, LS, CP Branch in the event the bid is faxed.

Note: Once AMS has established an external portal site, invitations will no longer be sent by Fax, unless requested by supplier or USDA is experiencing technical difficulties at the portal site. Eligible suppliers will be granted access to the site and can subscribe to the appropriate folder(s). USDA will notify suppliers through a Notice to Trade.

C. Shipping Periods

Planned shipping periods by Invitation are identified in Exhibit E. USDA may change this schedule or cease purchases depending on market conditions or funding considerations. Contracts will be awarded on a shipping period basis. The shipping period will be a specific period identified with each Invitation issued under this Announcement. Bidders are cautioned to refer to the applicable Invitation prior to bidding.

Shipping periods will be either on the first half or second half of the month (e.g., July 1-15 and July 16- 31).

D. Purchase Units

The purchase unit size for catfish products is 40,000 pounds. The quantity offered on bids must be in purchase unit increments. An offeror may bid the entire quantity on the Invitation or a greater amount, but not less than one unit (e.g., 40,000 pounds). Only one offer price may be quoted to any delivery point listed from each shipping point, including combined destinations bracketed as one line item. Offerors may rearrange the destination sequence on these combined delivery units.

E. What to Submit

Electronic Bid:

An offer must include each of the following items:

Section 1--General

1. Name, phone number, and complete address and zip code of Offeror (include both street and mailing address if different).
2. Identify submission as a bid.
STATE: Bid--ANNOUNCEMENT LS-117, Invitation No. __.
3. Name and street address including zip code of (a) final processing point and (b) shipping point.

Section 2--Offer Form

1. Item number listed on applicable Invitation, destination, and price per pound delivered to specific destination, segregated by product type if more than one is requested.

Notes: For bids other than electronic, Offerors may, at their own risk, exclude name of destination. Errors in item number(s) will not be apparent to Contracting Officer.

Quote only one delivered price per pound for each destination or multiple destinations listed as one item number. If more than one price per item is quoted, the line item will be ruled nonresponsive.

The offeror must not indicate the number of purchase units by destination. Estimated number of purchase units by destination will be listed on the Invitation. USDA may adjust the quantities listed on the Invitation based on offerings, market conditions, and/or program requirements.

Transportation restrictions will be shown on the Invitations.

The Offeror may submit offers for as many destinations as desired. The maximum quantity to be awarded is determined by the constraints quoted in Section 3, Constraints of the bid.

Offer prices may be quoted up to four places to the right of the decimal point. **If other than four places, any digit past the fourth will automatically be dropped.**

Section 3--Constraints

1. State maximum quantity of each commodity type (if applicable) to be awarded and/or maximum quantity overall for Invitation (if applicable), both in number of purchase units and equivalent net pounds for shipment to required destinations between (date) and (date).

Notes: If offering for more than one processing point, be sure to indicate the number of units

offered for each commodity type and/or maximum quantity overall for each processing point.

Maximum quantity offered may be greater than demand shown on the Invitation.

Total maximum quantity overall for specific product types or Invitation is optional. If total overall is not quoted, AMS may award up to the maximum for each type.

State the applicable shipping period(s) associated with the Invitation.

Section 4--Certifications

1. For this bid, your company is designated as: (choose one)

- ☐ Large Business
- ☐ Large Minority Business
- ☐ Large Woman-Owned Business
- ☐ Large Woman-Owned Minority Business
- ☐ Small Business
- ☐ Small Minority Business
- ☐ Small Disadvantaged "Not 8A"
- ☐ Small Woman-Owned Minority
- ☐ Small Woman-Owned "Not 8A"
- ☐ "8a" Small Woman-Owned
- ☐ "8a" Small Disadvantaged

Note: For bids submitted electronically, if default designation is incorrect, please choose correct designation and notify Contracting Officer.

2. By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-117; Appendix 1; Inv. ____; Item Description and Checklist of Requirements, date July 2004; USDA-1, Rev. 2, and Amds. 1, 2, 3 and 4 and the Federal Acquisition Regulations.

- ☐ HAS
- ☐ DOES

3. Annual Representations, Certifications, and Warranties (Appendix 1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy): _____

(a) If Appendix HAS been amended, enter date amended: _____ or N/A.

4. Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.

- ☐ Does
- ☐ Does Not

5. All products required under any existing USDA contract(s) or subcontract(s) with a Not Later Than Date prior to this bid opening HAS been shipped/delivered?
 - ☐ Has
 - ☐ Has Not
 - ☐ Has Not, But Has Notified C/O
 - ☐ No Existing Contracts
6. By submitting this bid, offeror certifies that all product conforms with the IDCR and no changes to the production process or written documents have occurred without proper approval by the Contracting Officer.
 - ☐ Does
7. Show name, title, fax number, and phone number of person submitting this bid (must be an authorized company representative).

Technical Proposal:

The following procedures establish the acceptable minimum requirements for the format and content of the proposals:

1. The Government has provided a technical proposal format which is to be used in preparing the technical proposal. (See **Exhibit F**) The offeror shall submit technical proposals in both hard copies and an electronic format either on disk (3.5" diskette or CD) or e-mail. The technical proposal shall be saved in the portable document file format (PDF). This format and electronic form provided will aid in the evaluation of the technical proposal.
2. Offers must submit diskettes or CDs in sealed disk mailers that have been signed by the same individual signing the original paper copy of the technical proposal. Offers submitting the electronic PDF format by e-mail must have it sent by the same individual signing the original paper copy of the technical proposal. By signing both the technical proposal and disk mailer, this individual will be attesting to the data in both formats being identical. The seals on this information will be broken by the Contracting Officer only. The technical proposal must be submitted by an authorized agent of the company, as evidenced by the SF-129 on file with the Contracting Officer.
3. The offeror will submit the appropriate number of copies as stated in the table below:

Description	Number of Hard Copies	Number of Diskettes/CD's
Technical Proposal 1. 8 ½" x 11" White Paper; 2. One sided-Single spaced (12 point font); 3. Proposal to be provided in protected document holder; and 4. Proposal submitted with all capital letters will be returned to Offeror without further review.	3 (Original + 2 copies)	1

4. While it is not the desire of the Government to penalize an offeror for noncompliance with formatting instructions, technical evaluators may have difficulty grading the technical proposal to the fullest extent possible. Technical evaluators will not be required to search other subsections or sections of the offeror's technical proposal for information requested for evaluation.

Note: All hard copies and diskettes/CDs shall be mailed to the Contracting Officer at the address stated in Section II. A.

Technical Proposal Revisions

Changes to an offeror's technical proposal may be submitted based on the Government's Amendments, Clarification Request, pre-award and post-award assessments, or at the request of the offeror. Maintenance of the integrity and clarity of each technical proposal is critical. All technical proposal revisions must meet the following criteria:

- 1) Any changes to a technical proposal made by the offeror after its initial submittal shall be accomplished by submitted replacement pages or an entire technical proposal package. The offeror shall include the revision date and the appropriate page number(s). A cover letter must be submitted with the changes identified and an explanation of the need for the change.
- 2) Must be submitted in the same number of copies as the initial technical proposal and must have the same information provided on revised diskettes/CDs. The revised diskettes/CDs should contain only the pages that are being changed. Additional pages should be numbered using a page number suffix (e.g. 1.1, 1.2, 1.a., 1.b).
- 3) Submit changes to the technical proposals as a complete page change for each page on which a change occurs. Changes from the original page shall be on blue colored paper and the changes in text shall be **highlighted** or **bolded** and deletions in ~~strikeout~~.

III. ACCEPTANCE OF OFFERS

The USDA will award contracts to responsible bidders whose bids conform to the Announcement and the applicable Invitation and whose bids are most advantageous to the Government in terms of, but not limited to, price, quantity needs at the specified destinations, and cost. The USDA requires a minimum acceptance period of 7 calendar days from the acceptance of offers. Acceptance of offers will be made by FAX filed at Washington, D.C., not later than midnight, Washington, D.C. time, the seventh day following the day for receipt of offers. The official time of award is the date and time stamped on the contract faxed from the AMS, LS, and CP Branch. Transmission of the contract is the official notice that the contract has been awarded. A notice of award will also be issued in the form of a Food Purchase Report (FPR) posted at the Department's Office of Information, News Division, after **1:00 p.m., Central Time**, on the day of acceptance. Information on awards will be available by telephone to bidders and interested parties promptly following the posting of the FPR or electronically through the **USDA, AMS Commodity Procurement Home Page** (see attached Notice). Inquiries may be made to a USDA-AMS Market News office or the Contracting Officer.

Failure to accept an offer will constitute rejection. Filing of the acceptance wire as specified above will result in a binding contract without further action by either party. The actual time of award described herein deviates from 48 C.F.R. 14.408-1.

IV. PROVISIONS OF CONTRACT

The contract consists of Announcement LS-117; the applicable IDCR, contractor's or subcontractor's (manufacturer's) technical proposal approved by the Contracting Officer; the AMS audit team's initial report, contractor's offer including SF-129 and Appendix-1; the acceptance by USDA; USDA-1 and the Federal Acquisition Regulations, 48 CFR Section et seq. The following USDA-1 articles are excluded: Articles 34, 49, 50, 64(c), and all of Part E.

If the provisions of contract documents are not consistent, the following priority order will prevail: Invitation, Announcement, IDCR, contractor or subcontractor's technical proposal approved by the Contracting Officer, AMS Audit Team's Initial Report, Appendix-1, Federal Acquisition Regulations, and USDA-1.

V. PRODUCT ITEM DESCRIPTION AND CHECKLIST OF REQUIREMENTS AND CERTIFICATION SERVICES

- A. Specifications for fully frozen breaded catfish products will be set forth in the IDCR. If documents are amended, appropriate amendments must be referenced.
- B. Compliance with processing requirements as described in the IDCR and contractor/subcontractor's process documentation and quality control program will be verified through audits by AMS agents. The cost of all audits, including the pre-award, onsite assessment, must be borne by the contractor.
- C. Compliance with the Code of Federal Regulations 50, Part 260 must be under DOC, NMFS. The cost of all inspection service must be borne by the Contractor. Questions concerning charges and the availability of NMFS agents should be discussed with the nearest NMFS office (see Section XI).
- D. Questions concerning charges and the availability of AMS auditors should be discussed with the ARC branch in Washington, D.C. at (202) 720-9759.

VI. LOSS DUE TO DETERIORATION, SPOILAGE, OR RECALL

A. Loss due to Deterioration or Spoilage

The Contractor shall be held liable for losses due to deterioration or spoilage for which he or she is responsible, which are discovered within 4 months of the delivery date to USDA for frozen catfish, in accordance with the provisions of Article 61 of USDA-1.

B. Liabilities Due to Product Recalled for Health or Safety Risk

In accordance with Article 60 of USDA-1, the contractor shall be held liable for failure of the commodity to meet all of the contract and specification requirements. In the event product is recalled due to a health or safety risk, the contractor is responsible for removal and replacement of recalled products and reimbursement of State and local costs incurred as a result of the recall, as outlined in the Food and Nutrition Service's Commodity Holds and Recall Process (see below). These costs include, at a minimum, storage, transportation, processing, and distribution of the commodities.

If product under contract is delivered to a facility for further processing under contract with a State and the product is recalled, it will be handled in accordance with the Food and Nutrition Service's Commodity Holds and Recall Process. A copy of this report can be obtained at the following web address: <http://www.fns.usda.gov/fdd/foodsafety/hold-recallpros.pdf>

VII. CONTRACTOR CERTIFICATE OF CONFORMANCE AND CHECKLOADING

The contractor will not ship the product before receipt of shipping instructions from the Farm Service Agency (FSA) Kansas City Commodity Office (KCCO). Inspection as required by Article 54 of USDA-1 will be performed by AMS through supplier pre-award assessment and post-award audits as described in the IDCR.

Contractor will perform checkloading examinations and complete an Certificate of Conformance (COC), see Exhibit G, at the time of shipment and include with each shipment, a copy of the COC and the Contractor's checkloading certificate that includes all of the following information:

1. Contract Number,
2. N/D Number,
3. Name of Product,
4. Shipping Date,
5. Production lot number(s) and date each lot was produced,
6. Count of shipping containers and total projected new weight in each production lot. (The delivery unit will be 40,000 pounds net weight),
7. Identity of car or truck (car numbers and letters, seals, truck license, etc.) as applicable,
8. Contractor certification that product conforms with IDCR,
9. Count and projected net weight verified, and
10. Signature of company official responsible for checkloading.

VIII. SHIPMENT - TRANSFER OF TITLE

A. Shipment Requirements

Shipment must be made in accordance with this Announcement, the applicable Invitation, Articles 56 and 64(b) of USDA-1, and the N/D (Form KC-269) issued by KCCO. The contractor must closely follow delivery notification instructions contained in the N/D. Such notification of shipment is vital to proper execution of shipment, particularly in cases of minimal transit time.

The contractor must notify State distributing agencies and consignees of shipment. For rail shipment, notification must be made on the day of shipment. For truck shipment, notification of the estimated arrival time should be made as far in advance of delivery as possible. In addition, for truck or piggy-back shipment, the contractor must request and keep scheduled appointments. **Unloading appointments for truck or piggy-back deliveries or shipment must be requested from the consignee contact party (s) at least 24 hours in advance of delivery.** The contractor must include with each shipment the contractor's checkloading certificate, the COC, and a signed bill of lading or other commercial documentation evidencing the quantity shipped with each delivery. If product is shipped in other than a commercial carrier and a bill of lading is not issued, the contractor's checkloading certificate must document quantity shipped and contractor must obtain a commercial receipt (i.e., warehouse receipt) signed by recipient agent evidencing date of delivery and quantity of product received.

B. Tolerances

The contractor must ship the quantity called for in the N/D. No tolerance is provided.

C. Early Delivery Requests

Requests for permission to deliver in advance of the "Not-Earlier-Than" date given in the N/D must be made to KCCO and approval will be granted if consignee is willing to accept product early and provides to KCCO the assurances required by KCCO of that arrangement.

D. Transfer of Title

Title and risk of loss will pass to USDA on the date of receipt of the product at the destination specified in the contract, as evidenced by suitable dated documentation such as the consignee's receipt, warehouse receipt, dock receipt, or other similar signed and dated document evidencing delivery. If the Contractor has the product in storage and transfer of title is requested, title will pass to USDA as evidenced by the consignee's receipt. The contractor is responsible for any shortage or damages as evidenced by the commercial bill of lading, FNS-57 report, or other commercial receipt evidencing delivery of product.

IX. LIQUIDATED DAMAGES

A. Compensation to Contractor for Late Mailing of Notice-to-Deliver

Liquidated damages for delay in shipment due to late mailing of N/D will be payable in accordance with Article 65 of USDA-1 and will be at the rate of 25 cents per hundredweight **net per calendar day**.

B. Compensation to USDA for Delays in Shipment

Timely delivery is important to fulfill the nutritional and dietary needs of persons consuming catfish products under the Child Nutrition and other Federal food and nutrition programs and for the efficient and proper administration of these programs. Liquidated damages for **delay in shipment** are payable at the rate of 25 cents per hundredweight for catfish net per day in accordance with Article 67 of USDA-1. For purposes of assessing liquidated damages for **delay in shipment**, the date shown on the Contractor's checkloading certificate and COC is considered to be the date of shipment.

X. INVOICES AND PAYMENT

A. Shipping Period Contracts

Invoicing and payment will be handled in accordance with Article 70 of USDA-1. A properly prepared invoice consists of the following:

- a. Invoicing as provided for on the N/D (Form KC-269) or commercial invoice form;
- b. Commercial bill of lading signed by carrier's agent;
- c. Copy of the Contractor's Certificate of Conformance; and
- d. Original Contractor's Checkloading Certificate issued at time of shipment.

If a commercial Bill of Lading signed by carrier's agent is not issued, the invoice package must include a (i.e., warehouse receipt) signed by recipient agent evidencing date of delivery and quantity of product received.

Any loss in transit will be determined by an Over, Short, or Damage Report (FNS-57) filed by recipient. KCMO will advise Contractor of discrepancy and recover loss by setoff from future payments or process a claim.

Contractors are encouraged to instruct carriers to return bills of lading or other commercial receipts signed by recipient agents evidencing the date and quantity of product received to avoid conflicts. If there is a conflict, the Bill of Lading signed by the recipient representative will prevail unless the discrepancy is due to damage not discernable at time of delivery.

B. Invoice Mailing & Interest

1. The invoice package must be mailed or delivered to Kansas City Management Office (KCMO) at the address listed in Section XI. of the Announcement. The outside of the package should be marked:

**"Prompt Pay Provisions Apply--Fish Product
Attn: Vendor Invoice Payment Section"**

2. Interest will be paid in accordance with the provisions of the Prompt Payment Act, 31 USC 3901 et seq., if payment is made beyond the seventh day after the date of delivery. For payment purposes, the date of delivery will be the receipt date by KCMO of a properly prepared invoice package.

C. Electronic Payment

USDA payments must be made directly to a financial banking institution. To receive payments electronically, complete the attached Form SF-3881, ACH Vendor Payment Enrollment Form and submit to the Kansas City Management Office, Commodity Financial Operations Division, Inventory Control Branch; Telephone (816) 926-6988 or access the form via the internet at:
<https://pcsd.usda.gov:3076/finance/>

USDA will no longer issue a paper copy of the disbursement statement. Complete the attached address information form, which identifies payment disbursement statement address as well as other needed information.

XI. INQUIRIES

Inquiries pertaining to this **solicitation and applicable documents** should be directed to:

Contracting Officer, Livestock and Seed Program
Agricultural Marketing Service
USDA, AMS, Stop 0253-Room 2610-S
1400 Independence Avenue, SW;
Washington, D.C. 20250-0253.
Telephone: (202) 720-2650

Inquiries concerning **shipping instructions** should be directed to:

Director, Kansas City Commodity Office (KCCO)
Farm Service Agency
U.S. Department of Agriculture
P.O. Box 419205
Kansas City, MO 64141-6205
Telephone: (816) 926-6062

Inquiries concerning **payments** should be directed to:

Director, Kansas City Management Office (KCMO)
Farm Service Agency
U.S. Department of Agriculture
P.O. Box 419205
Kansas City, MO 64141-6205
Telephone: (816) 926-6205

Inquires concerning **inspection** should be directed to either:

Deputy Director
National Seafood Inspection Program
NOAA/NMFS/F/SI
1315 East-West Highway
Room 10842
Silver Spring, MD 20910
Telephone: (301)713-2355

Director, Southeast Inspection Branch
National Seafood Inspection Program
USDC- NOAA-NMFS
Koger Building
9721 Executive Center Drive North, Suite 133
St. Petersburg, FL 33702
Telephone: (727)570-5383

Deputy Administrator
Livestock and Seed Program
Agricultural Marketing Service

Attachments

SAMPLE INVITATION

DATE ISSUED: FROZEN, BREADED, CATFISH PRODUCTS
ANNOUNCEMENT LS-117, INVITATION NO. _:

The U.S. Department of Agriculture (USDA) invites offers pursuant to ANNOUNCEMENT LS-117 to sell frozen, breaded, catfish products for use in Federal food and nutrition programs. Purchases will be made on a shipping period basis to destinations indicated below. Destination quantities listed are estimates and are subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

All offers must be in the format prescribed in LS-117 and be submitted electronically via the internet. Offers must be received by 1:30 p.m., CENTRAL TIME, Friday, _____, 2004. Acceptances will be announced by midnight, Friday, _____, 2004. Shipments are to be made between _____ and _____, 2004.

Offeror must be assigned a Logon ID by USDA to access the site. The internet address is: <https://pcsd.usda.gov:3077/mdbc1000.exe?> Once connected, follow the online procedures. A "HELP" button provides detailed instructions or call (202) 720-2650 for assistance.

Inquiries about ANNOUNCEMENT LS-117 or this Invitation should be directed to the Contracting Officer, Livestock and Seed Program; USDA, AMS, Stop 0253 Room 2610-South; 1400 Independence Avenue, SW; Washington, D.C. 20250-0253. Telephone: (202) 720-2650; Fax (202) 720-9538.

ANNOUNCEMENT	:	LS-117
INVITATION	:	100
COMM GROUP	:	28 FISH, FROZEN
COMM TYPE	:	24 FROZEN, CATFISH, STRIPS
PACK SIZE	:	40 2/20 LB FISH/CTN

ITEM NO.	CITY	DESTINATION STATE	TRANS RESTR	QUANTITY (LBS)
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SHIPPING PERIOD 09/01/04-09/15/04

001	VANDIVER	AL		80,000
002	DURAND	GA	TRUCK ONLY	320,000
003	PALMDALE	FL		160,000
004	BELLEVUE	OH		240,000
005	KALKASKA	MI		420,000
006	ROSCOE	TX		560,000
007	TOLLVILLE	AR		400,000

TOTAL QUANTITY FOR COMMODITY TYPE	2,180,000
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TOTAL QUANTITY FOR INVITATION	2,180,000
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CONTRACTING OFFICER

SOLICITATION MAILING LIST APPLICATION				1. TYPE OF APPLICATION <input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> REVISION		2. DATE 06/12/02		OMB No.: 9000-0002 Expires: 10/31/97	
NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction. Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.									
3. SUBMIT TO	a. FEDERAL AGENCY'S NAME USDA, AMS, Livestock and Seed Program				a. NAME Matanuska Catfish EI#12-198674		c. COUNTY		
	b. STREET ADDRESS Room 2610-South, P.O. Box 96456				b. STREET ADDRESS Box 347				
	c. CITY Washington				d. STATE DC		e. ZIP CODE 20090-6456		
					4. APPLICANT TIN No. 9788988888		f. CITY Tynok		g. STATE MS
5. TYPE OF ORGANIZATION (Check one)					6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than item 4)				
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION					a. STREET ADDRESS Same as #4				
<input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF: Mississippi					b. COUNTY				
					c. CITY				
					d. STATE				
					e. ZIP CODE				
7. NAMES OF OFFICERS, OWNERS, OR PARTNERS									
a. PRESIDENT J.E. Bryan			b. VICE PRESIDENT W.C. Edmonds			c. SECRETARY H.S. Wright			
d. TREASURER R.F. Campbell			e. OWNERS OR PARTNERS Shareholders of the Corporation						
8. AFFILIATES OF APPLICANT									
NAME			LOCATION			NATURE OF AFFILIATION			
Moose Pass Supply Co. Company TIN #XXXXXXXXXX			123 Abero Ave., Lakeview, AK 98555			Wholly owned subsidiary - retail sales or hunting & fishing supplies			
9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)									
NAME			OFFICIAL CAPACITY			TELEPHONE NUMBER			
						AREA CODE		NUMBER	
William L. Quinn			Production Manager			302		457-3215	
Roger Spangenberg			Sales Manager			302		457-3218	
David Brown			General Manager			302		457-3215	
10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)									
Commodity Current Weekly Prod. Additional Capacity % available for USDA Contracts									
Breaded Catfish Nuggets 200,000 lbs. 100,000 50%									
Breaded Catfish Strips 100,000 lbs. 50,000 25%									
11a. SIZE OF BUSINESS (See definitions on reverse)			11b. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS			11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS			
<input checked="" type="checkbox"/> SMALL BUSINESS (If checked, complete items 11b and 11c) <input type="checkbox"/> OTHER THAN SMALL BUSINESS			112			\$ 27,306,705.00			
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)			13. TYPE OF BUSINESS (See definitions on reverse)						
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS			<input checked="" type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SURPLUS DEALER						
			<input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT						
14. DUNS NO. (If available) 02-777734					15. HOW LONG IN PRESENT BUSINESS? 39 years				
16. FLOOR SPACE (Square Feet/M ²)					17. NET WORTH				
a. MANUFACTURING 43,000			b. WAREHOUSE 115,000*			a. DATE December 31, 2001		b. AMOUNT \$ 17,654,226.82	
18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)									
FOR		TOP SECRET		SECRET		CONFIDENTIAL		c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES	
a. KEY PERSONNEL								d. DATES GRANTED	
b. PLANT ONLY									
The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.									
19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print) J.E. Bryan					20. SIGNATURE 			21. DATE SIGNED 06/12/02	
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print) President									
AUTHORIZED FOR LOCAL REPRODUCTION Previous edition not usable *Lee's Warehouse 224 Main Street Snohomish, WA 87934 Cascade Warehouse 123 Fir Street Mukilteo, WA 87208									

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS
(See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS
(See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS
(See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.

SAMPLE OFFER ELECTRONICALLY SUBMITTED

Submitted at: 07/13/2002 - 10:19:19 am Central Time

John James Seafood Co.
22 MAIN STREET
BERWYN, ME 55507

LS-XX/100, FROZEN CATFISH

Authorized Changes and Comments						
Date		Time	USDA ID	Comments		
Plant 01- John James Seafood Co, 22 Main Street, Berwyn, ME						
Shipping Point 01-Jones Meat Packing, 22 Main Street, Berwyn, ME						
FROZEN, BREADED,CATFISH STRIPS						
Line Item	Pack Size	Destination	Delivery Period	Est LBS	Price/LBS	Tran Mode
001	4/10 lb Fish/Ctn	VANDIVER, AL	07/01/2004 – 07/15/2004	80,000	1.8687	Truck
002	4/10 lb Fish/Ctn	DURAND, GA	07/01/2004 – 07/15/2004	40,000	1.8686	Truck
003	4/10 lb Fish/Ctn	PALMDALE, FL	07/01/2004 – 07/15/2004	40,000	1.8885	Truck

High Bid Price: 1.8885 Line Item: 003
 Low Bid Price: 1.8687 Line Item: 001
 Sum of Bid Prices: 3.7572

Constraints				
Const #	Max Qty	Plant Location	Shipping Period	Product
1	3	01- John James Seafood Co	07/01/2004 - 07/15/2004	CATFISH, BREADED,CATFISH 4/10 LB
Certifications				
For this bid your company is designated as: SMALL BUSINESS				
Question				Answer
01) By submitting this bid, Offeror certifies it HAS read and DOES agree to the terms of LS-XX, Appendix 1,Inv. 100, Item Description and Checklist of Requirements, dated June 2002; Contractor's Technical Proposal approved by the Contracting Officer; AMS audit team's initial report; USDA 1, Rev. 2, and Amnds1, 2, 3, and 4 and Federal Acquisition Regulations. (Both boxes must be selected)				HAS DOES
02A) Annual Representations, Certifications and Warranties (Appendix 1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy)				8/30/2004
02B) If Appendix HAS been amended, enter date amended or N/A.				N/A
03) Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.				DOES
04) All product required under existing USDA contract(s) or subcontract(s) with a Not Later Than Date prior to this bid opening HAS been delivered.				NO EXISTING CONTRACTS
05) By submitting this bid, offeror certifies that all product conforms with the Item Description and Checklist of Requirements, dated July 2004 and no changes to the production process or written documents have occurred without proper approval by the Contracting Officer.				DOES
06) Show name, title, fax number, and phone number of person submitting bid (must be an authorized company representative).				Edgar Kaufmann, President Fax 705-347-8333 Phone 705-347-1715

SAMPLE OFFER WIRE OR LETTER
FROZEN, BREADED, CATFISH PRODUCT SAMPLE OFFER WIRE OR LETTER

Note: Bids are to be faxed ONLY if electronic bid submission is due to USDA system failure or offeror's ISP is unavailable. Offers MUST contact the Contracting Officer prior to faxing offer.

The following example shows how offer wires or letters may be submitted giving all essential details in the briefest possible manner. Basic to this procedure is a number identification with each line item of information required in the offer (see format in this Announcement).

Address to: Contracting Officer, Livestock and Seed Program
USDA, AMS
Stop 0253 Room 2610 South Building
1400 Independence Avenue SW
Washington, D.C. 20250-0253

BID FAX NUMBER: (202) 205-1976
BID RECEIPT VERIFICATION: (202) 720-2104

Section 1 - General

1. John James Seafood Co. TEL. 705-555-2121
22 Main Street
(P.O. Box 123)
Berwyn, Maine 55507

2. LS-117/100, Catfish Frozen, Strips

3.

Plant John James Seafood Co. 224 Main Street Berwyn, Maine 55501	Shipping Point John James Seafood Co. 224 Main Street Berwyn, Maine 55501
--	---

Section 2 - Offer Form

1.

ALTERNATE FORMAT	
(1) Vandiver, AL \$1.8687	(1) \$1.8687 per lb.
(2) Durand, GA \$1.8686	(2) \$1.8686 per lb.
(3) Pamdale, FL \$1.8685	(3) \$1.8885 per lb.

Section 3 - Constraints

1.

Maximum to be awarded 3 offer units, 120,000 pounds; catfish strips	Shipping Period 07/01/04-07/15/04
---	---

Section 4 - Certifications

1. Small Business
2. HAS
DOES
3. (a) 6/30/04 (date Appendix 1 was signed by Offeror)
(b) N/A
4. DOES
5. NO EXISTING CONTRACTS
6. DOES
7. Edgar Kaufmann
Edgar Kauffman, Sales Mgr, FAX 705-347-8333, TEL. 705-347-1715
(SIGNATURE REQUIRED)

**PLANNED PURCHASE SCHEDULE
2004-05**

INV NO	COMMODITY TYPE	BID OPENING	AWARD DATE (NLT)	AMS SHIPPING PERIOD
1	Catfish (Strips)	9/24	10/1	11/1-15
2	Catfish (Strips)			11/16-30
3	Catfish (Strips)			12/1-15
4	Catfish (Strips)			12/16-31
5	Catfish (Strips)			1/1-15/05

NOTE: The above purchase schedule is for informational purposes only. USDA may change this schedule or cease purchases depending on receipt demands, market or funding considerations. Bidders are cautioned to refer to the applicable Invitation prior to submitting offers.

Company Name

Page X of Y

(Frozen Catfish Product)

[Company Name]

[Company Address]

Technical Proposal for: [Announcement Number] and [Specification]

Table of Contents (all pages and attachments must be number and identified—any attachments must be identified and referenced in the Technical Proposal)

The technical proposal should include all phases of production that meets or exceeds the requirements stated in the specification to produce complying product.

- I. **ITEM DESCRIPTION** - Please provide a brief description of the product that will be addressed in the technical proposal.
- II. **CHECKLIST OF REQUIREMENTS** - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the checklist of requirements section of the specification.
 - A. **MATERIALS** - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the material section of the specification.

Contractors are responsible for providing sufficient product traceability and must have records to verify the source of raw materials used in each lot of product.

1. Fish Flesh– (plan, do, check, act)
 - a. Domestic Origin
 - b. Frozen Stock
 - c. Flesh Characteristics
 - d. Fillets
 - e. Objectionable Materials
2. Ingredients– (plan, do, check, act)
 - a. Domestic Origin
 - b. Batter/Breading
 - c. Salt
 - d. Seasonings
 - e. Monosodium Glutamate (MSG)
3. Portion Size– (plan, do, check, act)
4. Individually Quick Frozen
5. Preparation/Cooking Methods– (plan, do, check, act)
6. Metal Detection

- B. PREPARATION FOR DELIVERY** - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the preparation for delivery section of the specification.
1. **PACKAGING** - (plan, do, check, act)
 2. **PACKING** - (plan, do, check, act)
 3. **CLOSURE** - (plan, do, check, act)
 4. **LABELING** - (plan, do, check, act)
 5. **PALLETIZED UNIT LOADS** (plan, do, check, act)
- C. PRODUCT ASSURANCE** - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the assure product meets the specification requirements.
1. **QUALITY ASSURANCE** - (plan, do, check, act)
 2. **DELIVERY UNIT** - (plan, do, check, act)
 3. **DELIVERED PRODUCT** - (plan, do, check, act)
 4. **WARRANTY AND COMPLAINT RESOLUTION** - (plan, do, check, act)
- D. - NON-CONFORMING PRODUCT --** Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance that non-conforming product is not shipped under USDA contracts.

NOTE: In preparing Offeror's technical proposal please follow the outline format for the applicable IDCR that the company is submitting.

Attachments or Appendixes

Please attach all referenced documents with the applicable document name and reference number.

Please provide an example of the Statistical Process Control Charts and Histograms that the supplier intends to utilize in the production process.

**UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK AND SEED PROGRAM**

**CERTIFICATE OF CONFORMANCE FOR
THE PROCUREMENT OF
BREADED CATFISH[STRIPS OR NUGGETS]**

CERTIFICATE OF CONFORMANCE

I certify the following:

- (1) On [shipping date], [Contractor's name] furnished the breaded catfish strips called for by Contract Number [] for product shipped under Notice-to-Deliver Number [] in accordance with all applicable requirements.
- (2) The breaded catfish strips are of the quality specified and conforms in all respects with domestic product requirements and other the contract requirements, including the Item Description and Checklist of Requirements, and Technical Proposal approved by the Contracting Officer.
- (3) Product quantity shipped is as required on the Notice to Deliver.
- (4) [Contractor's name] will maintain records obtained from catfish producers in regards to the Food and Drug Administration's drug and pesticide requirements and will make the records available to the AMS agent upon request.

Date: _____

Signature:

(Signed by an officer or representative authorized to sign offers on the current SF-129)

Title:



United States
Department of
Agriculture

Agricultural
Marketing
Service

Stop 0253 Room 2610 South
1400 Independence Avenue SW
Washington, DC 20250-0253

AGRICULTURAL MARKETING SERVICE
FOOD PURCHASE INFORMATION ON THE INTERNET

Suppliers and Recipients of Food Products purchased by the Department of Agriculture's Agricultural Marketing Service (AMS), an agency in the Marketing and Regulatory mission area, can access information on purchases and offers via the Internet.

FOR QUICK ACCESS TYPE THE ADDRESS DESIRED IN THE LOCATION BOX:

USDA HOME PAGE:

<http://www.usda.gov/>

AMS HOME PAGE:

<http://www.ams.usda.gov/>

AMS COMMODITY PROCUREMENT HOME PAGE:

<http://www.ams.usda.gov/CP>

AMS LIVESTOCK AND SEED, COMMODITY PROCUREMENT BRANCH HOME PAGE

<http://www.ams.usda.gov/lscp>

ITEM DESCRIPTION AND CHECKLIST OF REQUIREMENTS FOR FROZEN, BREADED, PAR-FRIED, FRESHWATER CATFISH STRIPS – JULY 2004

APPROVED

USDA, AMS, LS, STDZ/RM
2607-S 7/26/04

I. ITEM DESCRIPTION

- Item – Frozen, breaded, par-fried, freshwater catfish strips.
- Portion Size – The portion size for catfish strips shall be 2.0 ounces. The raw weight of the catfish strips must be declared and charted on control charts featuring average weight and range.
- Fish Flesh Content – The frozen, breaded, par-fried, catfish strips shall consist of not less than 75% catfish flesh in the raw formula.
- Packing – Twenty (20) 2-pound or four (4) 10-pound bags of catfish strips shall be packed in a 40-pound (net weight) shipping container of a size to accommodate the product without slack filling or overfilling.
- Child Nutrition (CN) Label – A CN label is required on all primary and shipping containers for the 10-pound bags of catfish strips.

II. CHECKLIST OF REQUIREMENTS

Product will be produced under the Food and Drug Administration regulations and all applicable federal Acts and regulatory references cited therein which are in effect on the date of production.

A. MATERIALS

1. FISH FLESH

- a. Domestic Origin of Fish Flesh – The catfish shall be harvested from commercial, U.S. farm-raised freshwater catfish of the *Ictaluridae* family (channel catfish) (*Ictalurus punctatus*), blue catfish (*Ictalurus furcatus*), and the white catfish (*Ictalurus catus*) and its hybrids.
- b. Frozen Stock – Raw material produced from frozen stock before July 10, 2004, is not allowed.
- c. Flesh Characteristics – The catfish flesh will have characteristics of good quality, including -- but not limited to -- flavor, odor, and wholesomeness.
- d. Fillets – The catfish strips will be prepared from trimmed catfish shank fillet (without belly-flap section).
- e. Objectionable Materials – The catfish flesh shall be free of bones, skin, organs, tails, fins, and foreign materials.

2. INGREDIENTS

- a. Domestic Origin of Ingredients – Significant ingredients (more than 1 percent) shall be derived from U.S. produced products when U.S. produced products are available from ingredient suppliers.
- b. Batter/ Breading – The batter/breading shall be similar to those normally used for commercially marketed breaded, par-fried, catfish strips to produce the desired flavor, texture, and color. Enriched flour must be the primary ingredient by weight in the batter/breading combination.
- c. Salt – Other ingredients shall include salt at a level not to exceed 4 percent by weight of the dry batter and breading combined.
- d. Seasonings – Seasonings (other than salt) are allowed up to 4 percent of the weights of the dry batter/breading mixture.
- e. Monosodium Glutamate (MSG) – MSG is not allowed.

3. PORTION SIZE

The portion size for catfish strips shall be 2.0 ounces. The raw weight of the catfish strips must be declared and charted on control charts featuring average weight and range.

4. INDIVIDUALLY QUICK FROZEN (IQF)

The breaded, par-fried, catfish strips shall be IQF so the individual strips do not stick together after they are packaged and packed.

5. PREPARATION/COOKING METHODS

The breaded, catfish strips shall be prepared (par-fried) so that the end-user may bake them in a conventional or convection type oven. Cooking instructions shall be provided in the offeror's technical proposal documentation.

6. METAL DETECTION

Catfish strips must be free of metal contamination. Testing must be conducted after formulation, but may take place before and/or after packaging. Detection of stainless steel, ferrous, and non-ferrous (e.g., lead, copper, and aluminum) metals is required. The equipment, location, detection procedure, sensitivity levels, frequency of equipment validation, and corrective action procedures will be identified and described.

B. PREPARATION FOR DELIVERY**1. PACKAGING**

The catfish strips will be packaged in twenty (20) 2-pound or four (4) 10-pound bags.

2. PACKING

The shipping containers shall be in compliance with the National Motor Freight Classification or Uniform Freight Classification, as applicable.

- a. Net Weight – The twenty (20), 2-pound or four (4) 10-pound bags shall be packed in a 40-pound shipping container of a size to accommodate the product without slack filling or overfilling.
- b. Style and Size of Container – Only one size and style of primary (bags) and shipping containers may be offered in an individual shipping unit.

3. CLOSURE

Closure of each bag shall be by heat-sealing or metal clips.

4. LABELING

Both primary and shipping containers will be labeled to include all information required by USDC regulations. These labels must be applied in a manner that prevents their removal in an intact form.

- a. Primary Container – Primary containers must have the following information:
 - (1) Traceability Code – Traceable to production lot and date.
 - (2) Nutrition Facts – Based on actual nutritional analysis of the product
 - (3) CN Label – 10-pound bags only.
- b. Shipping Container – Shipping containers must have the following information:
 - (1) USDA Shield – The shield will be at least 2 inches high and appearing on top of the container or on the principle display panel.
 - (2) Contract Number – The contract awarded under.
 - (3) Traceability Code – Traceable to production lot and date.
 - (4) Nutrition Facts – Based on actual nutritional analysis of the product.
 - (5) CN Label – Shipping containers with 10-pound bags only.
 - (6) USDC Inspection Mark – The Processed Under Federal Inspection “PUFI” mark.
 - (7) 2-Pound Bags, Only – The product code “A751”.
 - (8) 10 Pound Bags, Only – The product code “A752”.

**5. PALLETIZED UNIT LOADS**

All products shall be stacked on new or well-maintained pallets and palletized with shrink wrap plastic.

C. PRODUCT ASSURANCE**1. QUALITY ASSURANCE**

All frozen, breaded, par-fried, catfish strips will be produced under the National Marine Fisheries Service (NMFS) Type I inspection, which may include Integrated Quality Assurance (IQA) or HACCP Quality Management Program (HACCP-QMP). The contractors must declare the type of NMFS inspection program they are operating under in their technical proposal.

2. DELIVERY UNIT

Each delivery unit will consist of 1,000 shipping containers with a net weight of 40,000 pounds.

3. DELIVERED PRODUCT

- a. Temperature – The product temperature at the time of shipment and delivery shall not exceed 0°F.
- b. Sealing – All products must be delivered to AMS destinations under seal.

4. WARRANTY AND COMPLAINT RESOLUTION

- a. Warranty – The contractor will warrant that the product complies with all specification requirements, technical proposal declarations, and provisions set forth in this announcement.
- b. Complaint Resolution – Customer complaint resolution procedures will be included in the technical proposal. These procedures will include: a point of contact, investigation steps, intent to cooperate with AMS, and product replacement or monetary compensation. The procedures will be used to resolve product complaints from recipient agencies or AMS.

D. NON-CONFORMING PRODUCT

The contractor must have documented procedures that assure nonconforming product identification, segregation, and disposition in order to prevent misuse and that nonconforming product is not delivered to USDA. The contractor will ensure that product which does not conform to product requirements is identified and controlled to prevent unintended use or delivery.

Browser Requirements For DEBES

Netscape 4.07 or above

Internet Explorer 5.0 or above

The browser must be capable of handling 128 bit encryption. To determine this:

In IE, go to **Help/About Internet Explorer**. The display will show:

Cipher Strength: 128-bit

If it does not, you will need to download a new version of the browser from Microsoft at <http://www.microsoft.com>.

In Netscape, go to **Help/About Communicator**. The display will show:

**This version supports U.S. security with
RSA Public Key Cryptography, MD2, MD5,
RC2-CBC, RC4, DES-CBC,
DES-EDE3-CBC.**

If it does not, you can download a new version of the browser from Netscape at <http://home.netscape.com/download/index.html?cp=djucc4>. Choose the 128 bit Strong Encryption* version for your download.

The **Production** site URL address is:

<https://pcsd.usda.gov:3077/mdbc1000.exe?>

The **Vendor Practice** site URL address is:

<https://pcsd.usda.gov:3050/mdbc1000.exe?>

Proxy Servers

Most connection problems are the result of improper browser version, not using 128 bit encryption, and connecting through your corporate proxy server. The proxy server must be set up to allow HTTPS protocol through the appropriate port; Vendor Practice is port 3050 and Production is port 3077.

**LIVESTOCK AND SEED PROGRAM
VENDOR REQUEST FOR LOGON IDENTIFICATION (ID) AND PASSWORD
DOMESTIC ELECTRONIC BID ENTRY SYSTEM (DEBES)**

COMPANY INFORMATION:

COMPANY NAME		
Street Address		
City	State	Zip Code
Person to receive Vendor ID and password		
Method to receive Vendor ID and password: (Complete one)		
Telephone: _____		
Fax: _____		
E-Mail: _____		
Assign 5-8 digit alpha/numeric personal identification number (PIN) for company:		

(This code will be used as verification by USDA when assigning or resetting a password)		
NAME AND TITLE OF PERSON REQUESTING LOGON ID:		
(Must be authorized on SF-129 to sign bids)		
Name _____ Title _____		
Signature _____ Date _____		

TO BE COMPLETED BY USDA:

VENDOR LOGON ID:	PASSWORD:
("A" and 6 digits)	(must be changed at first DEBES logon):
Notified: _____ Date: _____ (Company Representative)	
USDA Marketing Specialist: _____ Date: _____	

PLEASE FAX TO: Contracting Officer, Commodity Procurement Branch, LSP Programs (202) 720-9538

FOR INFORMATION CALL (202) 720-2650

**ACH VENDOR/MISCELLANEOUS PAYMENT
ENROLLMENT FORM**

OMB No. 1510-0056

Expiration Date 01/31/2000

This form is used for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.

PRIVACY ACT STATEMENT

The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendors financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.

AGENCY INFORMATION

FEDERAL PROGRAM AGENCY:

United States Department of Agriculture - Commodity Credit Corporation

AGENCY IDENTIFIER:

USDA-FSA-KCMO

AGENCY LOCATION CODE (ALC):

0000-4992-2

ACH FORMAT:

DO NOT COMPLETE THIS☒ CCD+☐ CTX☐ CTP

ADDRESS:

Attn: ACH Disbursements
P. O. Box 419205
Kansas City, Missouri 64141-6205

CONTACT PERSON NAME:

Bob Glenn

TELEPHONE NUMBER:

(816) 926-6988

ADDITIONAL INFORMATION:

FAX Number: (816) 823-1364

PAYEE/COMPANY INFORMATION

NAME:

SSN NO. OR TAXPAYER ID NO.:

MAILING ADDRESS:

ENTITY/MASTER-CONTRACT CODE (If known)
(Attach sheet if more space needed):

DISBURSEMENT STATEMENT MAILING ADDRESS (If different from above):

CONTACT PERSON NAME:

TELEPHONE NUMBER:

()

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL:

FINANCIAL INSTITUTION INFORMATION

NAME:

ADDRESS:

ACH COORDINATOR NAME:

TELEPHONE NUMBER:

()

NINE-DIGIT ROUTING TRANSIT NUMBER

_ _ _ _ _

DEPOSITOR ACCOUNT TITLE:

DEPOSITOR ACCOUNT NUMBER:

LOCKBOX NUMBER:

TYPE OF ACCOUNT:

☐ CHECKING☐ SAVINGS☐ LOCKBOX

SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL (Could be the same as ACH Coordinator):

TELEPHONE NUMBER:

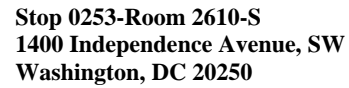
()

INSTRUCTIONS FOR COMPLETING SF-3881 FORM

1. Agency Information Section - Federal agency prints or types the name and address of the Federal program agency originating the vendor/miscellaneous payment, agency identifier, agency location code, contact person name and telephone number of the agency. Also, the appropriate box for ACH format is checked.
2. Payee/Company Information Section - Payee prints or types the name of the payee/company and address that will receive ACH vendor/miscellaneous payments, social security or taxpayer ID number, and contact person name and telephone number of the payee/company. Payee also verifies depositor account number, account title, and type of account entered by your financial institution in the Financial Institution Information Section.
3. Financial Institution Information Section - Financial institution prints or types the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Also, the box for type of account is checked, and the signature, title, and telephone number of the appropriate financial institution official are included.

BURDEN ESTIMATE STATEMENT

The estimated average burden associated with this collection of information is 15 minutes per respondent or record keeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Branch, Room B-101, 3700 East-West Highway, Hyattsville, MD 20782 and the Office of Management and Budget, Paperwork Reduction Project (1510-0056), Washington, DC 20503.



Contracting Officer, Livestock & Seed Program, AMS, USDA; 202/720-9538.

SOLICITATION MAILING LIST APPLICATION

1. TYPE OF APPLICATION

☐ INITIAL☐ REVISION

2. DATE

OMB No.: 9000-0002

Expires: 10/31/97

NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction.

Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

3. SUBMIT TO	a. FEDERAL AGENCY'S NAME			4. APPLICANT	a. NAME						
	b. STREET ADDRESS				b. STREET ADDRESS	c. COUNTY					
	c. CITY	d. STATE	e. ZIP CODE		d. CITY	e. STATE	f. ZIP CODE				
5. TYPE OF ORGANIZATION (Check one)						6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than item 4)					
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION						a. STREET ADDRESS b. COUNTY					
<input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF:						c. CITY d. STATE e. ZIP CODE					

7. NAMES OF OFFICERS, OWNERS, OR PARTNERS

a. PRESIDENT	b. VICE PRESIDENT	c. SECRETARY
d. TREASURER	e. OWNERS OR PARTNERS	

8. AFFILIATES OF APPLICANT

NAME	LOCATION	NATURE OF AFFILIATION

9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)

NAME	OFFICIAL CAPACITY	TELEPHONE NUMBER	
		AREA CODE	NUMBER

10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)

11a. SIZE OF BUSINESS (See definitions on reverse)		11b. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS	11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS
<input type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C)	<input type="checkbox"/> OTHER THAN SMALL BUSINESS		\$
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)		13. TYPE OF BUSINESS (See definitions on reverse)	
<input type="checkbox"/> DISADVANTAGED BUSINESS	<input type="checkbox"/> WOMAN-OWNED BUSINESS	<input type="checkbox"/> MANUFACTURER OR PRODUCER	<input type="checkbox"/> CONSTRUCTION CONCERN
		<input type="checkbox"/> SERVICE ESTABLISHMENT	<input type="checkbox"/> RESEARCH AND DEVELOPMENT
14. DUNS NO. (If available)		15. HOW LONG IN PRESENT BUSINESS?	
16. FLOORSPACE (Square Feet/M ²)		17. NET WORTH	
a. MANUFACTURING	b. WAREHOUSE	a. DATE	b. AMOUNT
			\$

18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)

FOR	TOP SECRET	SECRET	CONFIDENTIAL	c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES	d. DATES GRANTED
a. KEY PERSONNEL					
b. PLANT ONLY					

The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.

19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)	20. SIGNATURE	21. DATE SIGNED
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)		

AUTHORIZED FOR LOCAL REPRODUCTION
Previous edition not usable

STANDARD FORM 129 (REV. 12-96)
Prescribed by GSA - FAR (48 CFR) 53.214(e)

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.